

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1773.01</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Susan Miner</b>
<b>DATE OF COMPLAINT:</b>	<b>June 5, 2001</b>
<b>DATE OF REPORT:</b>	<b>July 2, 2001</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>yes/no change</b>
<b>DATE OF CLOSURE:</b>	<b>September 4, 2001</b>

**COMPLAINT ISSUES:**

Whether the Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide homebound services as described.
- 511 IAC 7-28-1(f) with regard to the school's failure to conduct an occupational therapy evaluation or provide occupational therapy services (as determined appropriate by the case conference committee) in the absence of a doctor's statement or prescription.
- 511 IAC 7-27-10(b) with regard to the school's alleged failure to convene the case conference committee at least every 60 instructional days for a student who receives homebound services.

**FINDINGS OF FACT:**

1. The student is 5 years old and is transitioning from preschool to kindergarten for the 2001-2002 school year. He is eligible for special education and related services as a student with an emotional disability.
2. The case conference committee convened on December 19, 2000, and changed the placement of the student from a placement in a Head Start classroom to homebound beginning on January 8, 2001. The notes from the case conference committee reflect the change in placement was necessary because the behavior of the student put him and the other students in the class in physical danger. The student was to receive 2½ hours of homebound instruction per week. No behavioral intervention plan was developed to address the student's behaviors.
3. The School asserts that the case conference committee report dated December 19, 2000, incorrectly identified the placement as "homebound" rather than "home-based" as used for early childhood students. However, the IEP also states that the student will not be educated with his chronological peers because "[the student] will be homebound due to behaviors."
4. The student's last session of homebound instruction was canceled by the teacher due to

a case conference committee meeting for another student. The session was rescheduled but was also subsequently canceled by the teacher. There was no opportunity to reschedule the session again before the end of the school year.

5. The case conference committee next convened on June 1, 2001. The report of the case conference committee indicates in the notes on the discussion that the parent requested an occupational therapy evaluation.
6. A signed permission for the occupational therapy evaluation was received by the school on June 6, 2001. The permission form states that doctor's orders are not required, and there is no documentation to support that one was obtained.
7. More than 60 instructional days elapsed between the December 19, 2000, case conference committee meeting and June 1, 2001, when the case conference committee next reconvened to review and revise the IEP.

#### **CONCLUSIONS:**

1. Finding of Fact #2 indicates that the student has been receiving 2½ hours per week of homebound services since January 8, 2001. Finding of Fact #4 reflects that the last homebound session of the year was canceled. Missing one session does not constitute an interruption of services. Therefore, no violation of 511 IAC 7-7-27-7(a) is found.
2. Findings of Fact #5 and #6 indicate the parent provided written consent on June 6, 2001, for an occupational therapy evaluation to be conducted and that no physician's order was required in order to conduct the evaluation. The timeline in which the school has to complete the evaluation has not elapsed, and no physician's order was required by the school. Therefore, no violation of 511 IAC 7-28-1(f) is found.
3. Findings of Fact #2 and #3 reflect the student's placement was changed from community preschool to homebound at the case conference committee meeting convened on December 19, 2000. Finding of Fact #7 indicates the case conference committee did not reconvene to review or revise the student's placement or individualized education program until June 1, 2001, more than sixty instructional days from the previous case conference committee meeting. Therefore, a violation of 511 IAC 7-27-10(b) is found.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

The Kokomo-Center Township Consolidated School Corporation and the Kokomo Area Special Education Cooperative shall:

1. reconvene the case conference committee prior to the first day of school to conduct a functional behavioral assessment and develop a behavioral intervention plan to address the student's behaviors that currently preclude his attendance at school. A copy of the

case conference committee report, IEP, and behavioral intervention plan shall be submitted to the Division no later than September 6, 2001.

2. review and, if necessary, revise current policies and procedures to clearly distinguish between homebound and home-based services. Provide a copy of the policies/procedures to the Division no later than September 6, 2001.

DATE REPORT COMPLETED: July 2, 2001